

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) NO. 18-11739
ROBERT MOYLAN)
) HON. JANET S. BAER
) BANKRUPTCY JUDGE

NOTICE OF MOTION

TO: Parties listed on the attached Service List

PLEASE TAKE NOTICE that on September 20, 2019, at 11:00 a.m. the undersigned will appear before the Honorable Janet S. Baer, United States Bankruptcy Judge, or any other judge sitting in her place and stead, at Kane County Courthouse, Room 240, 100 S. Third Street, Geneva Illinois and then and there present the attached Motion, a copy of which is attached hereto and hereby served upon you.

_____/s/ Brenda Porter Helms

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to Section H, B, 4 of the Administrative Procedures for the Case Management/Electronic Case filing System, service of the above-mentioned Motion on all parties identified as Registrants on the appended service list was accomplished through the Court's Electronic Notice for Registrants and, as to all other parties on the attached Service List, he/she was served a copy as set forth therein, this 3rd day of September, 2019, at 3400 W. Lawrence Avenue, Chicago Illinois.

_____/s/ Brenda Porter Helms _____

Brenda Porter Helms
#6184302
3400 W. Lawrence Avenue
Chicago IL 60625
(773) 463-6427

SERVICE LIST

Service via Court's electronic notification system

Office of U.S. Trustee

USTPRegion11.ES.ECF@usdoj.gov

David Siegel

To all parties entitled to notice on the Court's ECF filing service

Service via first class mail, postage prepaid

Robert Moylan

1042 N. Main St

Naperville IL 60563

Gregory Kulis

30 N. LaSalle St. #2140

Chicago IL 60602

Discover Bank

Discover Products Inc. P.O. Box 3025

New Albany OH 43054

Capital One Bank

P.O. Box 71083

Charlotte NC 28272

Synchrony Bank

c/o PRA Receivables Management

P.O. Box 41021

Norfolk VA 23541

PYOD its successors and assigns

Of Synchrony Bank

Resurgent Capital Services

P.O. Box 19008

Greenville SC 29602

Citibank

701 E. 60th Street North

Sioux Falls SD 57117

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IN RE:) CASE NO. 18-11739
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MOTION FOR AUTHORITY TO ABANDON CAUSE OF ACTION

NOW COMES the Trustee herein, Brenda Porter Helms, pursuant to 11 U.S.C. section 554 and requests that this Court enter an order authorizing the abandonment of certain causes of action against Robert Berlin and Cheryl York, employees of DuPage County, and, in support thereof, states the following grounds:

1. Applicant is the appointed and serving Chapter 7 Trustee for the estate of the debtor, Robert Moylan (“Debtor”) and brings this matter to the court in her capacity as trustee and not individually.
2. Prior to the filing of the chapter 7 bankruptcy, the Debtor had filed a Complaint against Robert Berlin, DuPage County State’s Attorney and Cheryl York, an investigator employed by the State’s Attorney’s office.
3. The Complaint seeks a determination that the actions of Cheryl York in going into the Debtor’s office and seizing a patient file were wrongful and in violation of the Debtor’s Fourth Amendment rights and HIPPA (Health Insurance Portability and Accountability Act).
4. However, the Debtor’s civil case has been put on hold while a criminal case against the Debtor goes to trial, which means undetermined delay and uncertainty in the civil case.

5. The Trustee proposes to abandon the civil Complaint and file a Report of No Distribution because a trial in the near future is unlikely and the Trustee is unable to determine if any recovery would have significant value to the estate.

WHEREFORE, for the reasons set forth above, the Trustee respectfully requests that this Court enter an order authorizing the Trustee to abandon all her right, title and interest in the Complaint filed by the Debtor against Robert Berlin and Cheryl York and for such further relief as this Court deems appropriate.

/s/ Brenda Porter Helms
Trustee

Brenda Porter Helms
3400 W. Lawrence Ave.
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